

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

AMBERWAVE SYSTEMS CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2-05CV-449-TJW
	§	
INTEL CORPORATION,	§	
	§	Jury
Defendant.	§	
	§	
	§	

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**JOINT MOTION TO DISMISS WITHOUT PREJUDICE**

Intel Corporation ("Intel") and AmberWave Systems Corporation ("AmberWave") jointly move the Court to enter the attached Order of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(2), and in support will show the Court as follows.

AmberWave has agreed to dismiss its claims against Intel without prejudice.

Intel and AmberWave have agreed to bear their own costs and attorneys' fees in connection with this action. In addition, Intel and AmberWave waive any and all rights to appeal the Order of Dismissal, attached to this motion.

Based on the foregoing, Intel and AmberWave respectfully move the Court to grant their Joint Motion to Dismiss this action without prejudice.

Dated: February 28, 2006

Respectfully submitted,

OF COUNSEL

Morgan Chu

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, California 90067-4276

By: /s/ S. Calvin Capshaw

S. Calvin Capshaw III

Texas Bar No. #03783900)

BROWN MCCARROLL LLP

1127 Judson Road, Suite 220

P.O. Box 3999

Longview, Texas 75601-5157

Phone: (903) 236-9800

Facsimile: (903) 236-8787

E-mail: CCapshaw@mailbmc.com

Attorneys for Plaintiff AmberWave  
Systems Corporation

OF COUNSEL

George M. Newcombe  
SIMPSON THACHER & BARTLETT LLP  
3330 Hillview Avenue  
Palo Alto, California 94304

By: /s/ Michael E. Jones by permission S. Calvin Capshaw

Michael E. Jones  
Texas Bar No. 10929400  
POTTER MINTON, PC  
100 North College  
500 Plaza Tower  
Tyler, Texas 75702  
mikejones@potterminton.com  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

Attorneys for Defendant Intel  
Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 28<sup>th</sup> day of February, 2006, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ S. Calvin Capshaw

S. Calvin Capshaw